

Application Ser. No. 09/531,743

REMARKS**INTRODUCTION**

This amendment is presented in response to the office action mailed June 22, 2005. In this paper, new claims 28-32 were added to provide a different statement of the invention. Applicant seeks favorable reconsideration and allowance of all claims in the application.

AMENDMENT AFTER FINAL REJECTION

Although these amendments are being submitted after final rejection, they are believed to be proper despite 37 CFR 1.116 because the office action is prematurely final, as discussed below.

FINAL REJECTION IS PREMATURE; NEW OFFICE ACTION IS REQUIRED

Final rejection in the subject application is premature, per MPEP 706.07(d). Rejections of certain claims are nonsensical, rendering it unreasonably difficult for Applicant to assess the potential grounds for appeal. Chiefly, the final rejection consistently applied the prior art references to outdated claim language, failing to address the current claim language at the time of the office action. Namely, language introduced in the amendment dated 6-6-2005 was not considered, and causing some question as to whether all claim limitations have been duly considered with sufficient care. Rather, much of the office action appears to be a simple cut-and-paste job from the previous office action, ignoring the changed claim language.

For example, numbered para. 3 (page 2) of the office action erroneously addressed "establishing an attribute value. . .," a limitation which had been removed from the claims. Along these lines, the office action failed to discuss the new feature "querying a user for an attribute value associated with a first particular attribute of the desired item or service" at all. Moreover, the office action also failed to address the language "given by the user" and "an end state comprising a point at which the item or service is found." [Office Action: page 2]

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As to claim 3, the office action failed to discuss the limitation "querying a user for an attribute value," and instead addressed the canceled limitation "prompting the user to supply an attribute value. . ." and instead addressed the canceled limitation "querying a user for an attribute value associated with the particular attribute. . ." [Office Action: pages 2-3] Claims 9, 11, 17, 18 serve as examples of other claims whose language was similarly overlooked by the office action.

All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970). MPEP 2143.03. Moreover, it is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply. MPEP 706.02(j).

In view of the office action's failure to appropriately address the claims, Applicant requests the primary examiner to withdraw the final rejection without delay. MPEP 706.07(d). Further, Applicant requests the primary examiner to provide a new office action with a meaningful discussion of all claim features.

FEES

The Commissioner is authorized to charge the fee of \$850.00 for five extra claims (3 independent and 2 dependent claims) added in this amendment and any additional fees due, to deposit account #07-1445 (Order No. QUAC0006). Applicant considers this document to be filed in a timely manner.

Respectfully Submitted,



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